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MINUTES OF A REGULAR MEETING CITY COMMISSION FORT LAUDERDALE, FLORIDA September 20, 2001

Meeting was called to order at 7:02 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith

Commissioner Carlton B. Moore Commissioner Cindi Hutchinson Commissioner Gloria Katz

Mayor Jim Naugle

Absent: None

Also Present: City Manager F. T. Johnson

City Attorney Dennis E. Lyles
City Clerk Lucy Masliah
Sergeant At Arms K. Abrahamsen

Invocation was offered by *Dr. John Myers*, First United Methodist Church.

"The Saint Jerome Troop" of Girl Scouts sang "America the Beautiful," and led the Pledge of Allegiance to the Flag.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations(OB)

1. Expressions of Sympathy

Mayor Naugle read aloud and presented Expressions of Sympathy to the families of *Dan Adams, Hugh Morris* and all those who perished as a result of the September 11, 2001 *Attack on America*.

2. Florida Recreation Development Assistance Program

The Mayor and City Commissioners accepted checks from the Florida Recreation Development Assistance Program for grant funding in the amount of \$200,000 for Joseph C. Carter Park, and \$200,000 for Palm Aire Village Park, presented by Senators Mandy Dawson and Skip Campbell, and Representatives Chris Smith and Ron Greenstein.

3. Florida Trust for Historic Preservation

The Mayor and City Commissioners accepted an Award for Outstanding Achievement in the field of Non-Residential Restoration/Rehabilitation from the Florida Trust for Historic Preservation for the renovation of the Peele Dixie Water Treatment Plant. It was presented by *Mr. Sheldon McCartney*, of McCartney Construction, in recognition of outstanding achievement in the field of non-residential restoration and rehabilitation. Mayor Naugle noted that the Peele Dixie Water Treatment Plant was recognized as a national landmark, and he encouraged everyone to visit this beautiful facility.

4. "Race Equality Day"

Commissioner Moore read aloud and presented a Proclamation declaring September 19, 2001 as "Race Equality Day" in the City of Fort Lauderdale. He stated that the City had reaffirmed its commitment to promoting racial justice, encouraging diversity, and providing every citizen with an environment that ensured equal opportunity and fair treatment for all. Commissioner Moore noted that buttons had also been designed to commemorate this sentiment. The City Manager accepted the Proclamation and stated that Fort Lauderdale had joined in the campaign to promote racial justice and, in addition to the buttons, pledge cards would be released with the help of the homeowners' associations.

5. "The Megan S. Arrant Pediatric Stroke Awareness Day"

Commissioner Katz read aloud and presented a Proclamation declaring September 20, 2001 as "The Megan S. Arrant Pediatric Stroke Awareness Day" to be observed in the City of Fort Lauderdale. She noted that stroke was the third leading cause of death and the leading cause of disability in the United States. The proclamation was accepted by *Mr. Michael McGuigan*, Megan Arrant's uncle and a City employee, who was trying to raise funds to promote stroke awareness and research, particularly in children. He expressed appreciation to the City Commission for doing this for a little girl, particularly at this time.

6. Community Appearance Board's WOW Award

Commissioner Smith presented the Community Appearance Board's WOW Award for District II to:

Laurel and Chris Crawford 440 Victoria Park Road

He stated that Laurel and Chris Crawford had been residents for just over a year, and they had transformed the home, which had been indistinguishable from others along the Victoria Park ridge. Commissioner Smith also presented the Crawfords with a gift certificate from Causeway Lumber so they could continue their fine work.

7. <u>2001 Robin J. Zee Presidential Citation for Excellence in Public Procurement</u>

The Mayor and City Commissioners recognized the City's Purchasing Division for receiving the 2001 Robin J. Zee Presidential Citation for Excellence in Public Procurement awarded by the National Institute of Governmental Purchasing. Mr. Bruce Larkin, Director of the Administrative Services Department, said it had been his good fortune to work with a very progressive Purchasing Manager, Mr. Kirk Buffington. Mr. Buffington accepted the award on behalf of the Purchasing Division and recognized several individual employees who had been instrumental in this achievement.

The City Manager introduced *Ms. Ware*, representing various organizations including the NAACP and the Marine Corps JROTC, who said her mother had wanted to present this award to Police Chief Michael Brasfield, but she was ill. The City Manager stated that Chief Brasfield was heading back to the great Northwest, and it had been a difficult task to find someone to fill his capable shoes after serving the City so well over the past 6 years. He reported that 74 candidates had been attracted, and he wished to take this opportunity to formally present "Chief-Select" Bruce Roberts. Mr. Roberts agreed he had a tough act to follow, but he had learned a great deal from Chief Brasfield and looked forward to building on his successes.

Chief Brasfield thanked all the people in Fort Lauderdale for the joy and experience of working for the Fort Lauderdale Police Department and said he would remember it for the rest of his life. Chief Brasfield was recognized with an ovation.

A resolution had been considered on September 5, 2001 approving the payment of \$10,000 (\$5,000 from General Fund Contingencies) to Lift-Up Davie Boulevard to inform the unincorporated registered voters of the Riverland and Melrose Park area neighborhoods about the benefits of joining the City of Fort Lauderdale. That resolution had been defeated, and Commissioner Hutchinson wished to reconsider the issue.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to reconsider this resolution. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 01-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO ANNEXATION PROPOSALS, ADOPTING FINDINGS AND DECLARATIONS, SUPPORTING PROPOSALS FOR ANNEXATION OF TWO UNINCORPORATED AREAS KNOWN AS MELROSE PARK AND GREATER RIVERLAND AREA INTO THE CITY OF FORT LAUDERDALE, ENCOURAGING THE INCORPORATION OF THESE TWO AREAS INTO THE CITY OF FORT LAUDERDALE; SUPPORTING A CAMPAIGN TO EDUCATE VOTERS IN THESE UNINCORPORATED AREAS ABOUT ANNEXATION, AND PROVIDE INFORMATION CONCERNING ANNEXATION OF THESE AREAS INTO THE CITY OF FORT LAUDERDALE TO BE SUBMITTED FOR VOTER APPROVAL AT AN ELECTION; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH LIFT UP DAVIE BLVD., INC. TO PROVIDE EDUCATION REGARDING ANNEXATION TO PERSONS IN THE TWO UNINCORPORATED AREAS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore and Mayor Naugle. NAYS: Commissioner Katz.

Commissioner Katz felt this was an inappropriate use of City dollars.

<u>2001/2002 Budget</u> (PH-1)

The second public hearing was scheduled on the proposed millage rate and tentative budget of the City of Fort Lauderdale for the fiscal year beginning October 1, 2001 and ending September 30, 2002. Ordinance No. C-01-41 was published on August 31 and September 7, 2001, and was passed on first reading on September 12, 2001, by a vote of 5 to 0.

Mayor Naugle announced that this was the second of two public hearings held as required by law on the millage rates of the City of Fort Lauderdale budget for fiscal year 2001/2002. The purpose of the hearing was to receive requests and comments regarding the City's budget and tax levies, and to explain the budget and any amendments thereto.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Terry Sharp, Assistant Director of Finance, stated that the millage rate adopted at the tentative budget hearing on September 12, 2001 for the fiscal year 2001/2002 involved a calculated percentage increase in the millage rate of 9.3% over the rolled back rate of 4.6112 mills, which was characterized by State Statute as a 9.3% increase in property taxes. He said that the City had found this percentage increase necessary to fund the proposed budget, and the proposed millage rate of 5.0415 included all ad valorem taxes except debt service and constituted the basis for the State-required advertisement concerning the budget and taxes.

Mr. Sharp said the proposed millage rate for debt service for the combined 1987/1992/1998 General Obligation Refunding Bonds was 0.2869 mills, which represented a 5.7% increase in the millage rate over the rolled-back rate of 0.2715 mills. The proposed millage rate for debt service for the 1997 General Obligation Bonds was 0.2099 mills, which represented 0.6% increase in the millage rate over the rolled-back rate of 0.2086 mills.

Mr. Sharp stated that some of the reasons for the proposed millage included payment of \$600,000 for new and expanded parks and recreation facilities and programs; \$650,000 to staff the new rescue unit for the barrier island; \$550,000 for maintenance of the Police dispatch and records system; \$250,000 for continuation of existing police positions formerly funded by grants; and a \$177,000 match for new police grants; \$1.1 million in additional police and fire rescue overtime; \$186,000 for initial debt service payment for the conversion of Lincoln Park to the new Construction Services headquarters; \$600,000 to increase the working capital reserve; and, funding for staff compensation increases as provided for in the second year of labor agreements and corresponding increases for non-bargaining unit employees.

Ms. Charlotte Rodstrom, President of the Nurmi Isles Homeowners Association, said she was here again not because she wanted to be here but because the 3 streets represented by the Association had been burdened with an additional cost. Although she was not opposed to the City finding ways to save money, she felt this and every other area were unique. Ms. Rodstrom pointed out that some areas needed more police or rescue services, while others needed parks or civic centers, and the Nurmi Isles needed the Royal Palm frond collection.

Ms. Rodstrom stated that residents of the 3 islands represented by her Association did not feel this additional charge was fair and had a compromise position to suggest. She submitted photographs to demonstrate what the Royal Palm fronds looked like, ranging anywhere from 20' to 24' in length and weighing from 20 lbs. to 50 lbs. Ms. Rodstrom advised that the trees were 50 years old and there were 360 of them on 170 lots. She acknowledged that they were extremely beautiful and part of Fort Lauderdale. Ms. Rodstrom pointed out that the neighborhood did not need a lot of City services, but this was one thing the area did need.

Ms. Rodstrom said there were other areas in the neighborhood that were part of the Las Olas Isles, but she felt the Nurmi Isles were unique. She suggested that the Commission consider the possibility of providing one palm frond collection per month rather than the weekly collections provided in the past. Ms. Rodstrom stated that she had brought 4 of the fronds with her today for observation.

Ms. Carol Strand said the issue of the palm fronds had affected her greatly. She stated that she had lived in her home since 1971, and she recalled some of the achievements of the original developer of the Nurmi Isles. She felt the most splendid thing about the islands were the trees the developer had brought in from the Bahamas at his expense with the understanding that the City would maintain the trees in exchange for this gift. Ms. Strand felt the City Commission should honor the commitment made by their predecessors and continue to maintain this showplace.

Mr. James Musters, of Fiesta Way, stated that his neighborhood was part of the tourist district, and there were lots of amenities it did not have such as curbs, sidewalks, storm drains, playgrounds, parks, or an assigned nighttime police officer. In fact, the only thing the neighborhood had was this palm frond collection, which had been provided ever since the developer had donated the trees. Mr. Musters felt this was a basic City service, and he thought he was entitled to it in light of his \$8,000 annual tax bill on his 3-room house.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Smith recalled discussion at the first public hearing about the tax increase to the average single-family homeowner in the City. Although it was a modest increase, the budget contained millions of dollars in new spending, primarily due to new buildings and facilities. The Commission had challenged him to try and present a modest reduction in the budget so the single-family homeowner would not have a tax increase this year, particularly in light of the situation in a tourism-driven economy. Commissioner Smith had been disappointed with the City Manager's memorandum distributed yesterday, which indicated there was no "fat" in the budget.

Commissioner Smith said he firmly believed there was fat in the government budget that could be identified, and he did not think the City Manager had taken this challenge seriously. He recalled that Commissioner Moore had suggested a cut in the police and fire overtime. He had not supported that suggestion because he had not felt it was the Commission's responsibility to identify possible cutbacks, but he could not support the City Manager's proposed budget because he had failed to meet the Commission's challenge to cut the budget by \$2 million.

Commissioner Katz felt the people who owned million dollar homes in the Isles could certainly afford to pay a few dollars to have their lawn debris collected. She stated that people in her district managed to chop up their fronds for bulk collection, and she thought others could do the same. Insofar as the overall budget, Commissioner Katz pointed out that the Commission had approved a lot of large projects, and perhaps that had been a mistake in light of the uncertain economy. She thought the Commission might want to consider eliminating or postponing some of the large projects that had been approved. Another suggestion she had received was to reduce the working capital reserve, but Commissioner Katz did not want to select budget items to cut from the list of 16 suggestions because many involved labor agreements.

Commissioner Moore wanted to adopt a budget that would support the standards of the electorate. He understood the concerns about the operating budget, but the citizens had indicated the level of quality and service they desired, and he believed they understood the costs involved. Commissioner Moore felt the Commission had failed to be tough during union negotiations. Nevertheless, he wished to note that the palm frond issue involved a cost of \$36 per year to Nurmi Isles residents, and he did not believe that would change the lifestyle of anyone who lived in the area.

Commissioner Moore said the only area in which he would be willing to take \$500,000 out of the budget would be within the Police Department. He pointed out that there were 27 vacancies in the Police Department budget, and he felt the overtime budget should be reduced to provide incentive to fill those positions, which had been vacant for years. Commissioner Moore felt that was indicative of a lack of need, and he hoped the overtime budget would be reduced by \$500,000. He also hoped that if the vacancies had not been filled by the time the next budget was presented, the overtime budget would be eliminated.

Commissioner Hutchinson could not support a \$500,000 reduction in police and fire overtime because when she attended neighborhood meetings, the first issue raised was the police presence. As to the palm frond issue, Commissioner Hutchinson could not support it. She pointed out that the City encouraged people to plant trees in the swales, regardless of the species, and while the City provided trees, the residents had to maintain them. She stated that neighborhoods in her district were adamant that if one district received this type of service, all districts should receive the same treatment. In fact, many would be willing to pay an extra \$3 per month for foliage collection. Commissioner Hutchinson supported providing the service for \$3 per month, and she intended to support the budget. She agreed with Commissioner Moore that the Commission had a lot of "wants," but the constituency's wants were even greater. She continuously received requests, and it took money to fulfill those requests.

Mayor Naugle pointed out that the proposed budget involved a 9% increase in property taxes, and some 45% of the residents did not have "Save Our Home" protection. He felt there was a great disparity in the City in the amount of taxes people paid, and their ability to pay had no relationship with the amount they paid. In fact, he had located someone in Commissioner Hutchinson's district who had paid \$36,000 for their home in 1963, and he was now paying \$18,000 per year in taxes without any corresponding increase in income. Mayor Naugle thought that particularly in uncertain economic times, there should be a little "belt-tightening."

Mayor Naugle said he had also been disappointed that the City Manager had not suggested some choices for budget cuts, particularly since \$2 million was a small amount that could be saved if every City department reduced their budgets by 1.5%. He believed everyone could cut their budgets by that amount, even in private households, so he could not support the proposed budget.

Mayor Naugle advised that he had some suggestions for budget cuts that amounted to \$1 million. He recalled that when he had first joined the City Commission, there had been 2 Assistant City Manager positions, while some cities had no such positions, and he had not located many with 3. He believed Fort Lauderdale could get by with a single Assistant City Manager, and the other 2 positions could be eliminated. Mayor Naugle also thought that might encourage the City Manager to be more "hands on," and have a closer relationship with department heads so the City could be run better.

Mayor Naugle acknowledged that it would be difficult for the City Manager to decide which of the existing Assistant City Managers could be eliminated because they were all outstanding employees, but they would be able to find other positions immediately, and this would save \$350,000. He also felt the management and confidential raises were too generous at 3.5%, when those employees could also get 2.5%, 5% or 7.5% increases based on performance merit adjustments. Mayor Naugle had learned that 85% of employees were considered "above average" and received 5% or 7.5% increases until they "topped out." He stated that this idea would save about \$250,000 even if generous raises were provided in a time when people were lucky to have jobs.

Mayor Naugle acknowledged that the Commission had made a commitment as to the "PAVE vehicles," but he thought the program could be implemented more slowly and \$200,000 trimmed from that expense. In addition, he believed the Administrative Services and Finance Departments could be combined, for a further savings of about \$200,000. Mayor Naugle thought the \$1 million savings could be realized through these painless, easy to implement cuts without service reductions. He believed that if the City Manager wanted to consider cuts besides those suggested, the Commission would accommodate him, but he felt the taxpayers deserved some sort of relief given the economic times.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the City Manager's proposed budget.

Commissioner Smith asked the City Attorney what the next step would be if the Commission did not approve the City Manager's proposed budget. The City Attorney stated that the law contemplated approval of a millage rate and then a budget this evening. He advised that there were provisions in the Truth in Millage legislation that would allow the Commission to continue to expend funds under a previously adopted budget if it was unable to adopt a new budget before September 30, 2001.

Commissioner Smith appreciated the fact that Mayor Naugle had identified specific budget cuts that were possible, although he still felt that was a task best left to the City Manager. He believed each department could take a hard look at their budgets and come up with sufficient savings to avoid the kind of wholesale cuts suggested by Mayor Naugle. He thought that through an austerity program in each of the departments, sufficient cuts could be made, and he wanted to keep taxes at an unchanged level for the average single-family homeowner.

Commissioner Hutchinson asked the City Attorney if the Commission could approve a millage rate that would generate approximately \$2 million less than that proposed. If so, she wondered if it would then be the City Manager's responsibility to operate within those revenue limits.

The City Manager said that Commissioner Smith had asked him to come up with a millage rate that would result in no tax increase for the average homeowner. That figure calculated to about \$2.2 million, and the millage rate would be 4.8667 mills. He stated that the Commission could adopt a lower millage rate than had been adopted at the first public hearing.

The City Manager stated that Commissioner Smith had let him know about the extent of his disappointment in not having been able to meet the challenge he had issued. He said that he had, in fact, taken a hard look at the budget. He advised that staff worked on the budget for about 6 months, and the recommended budget presented in July had represented a collective best effort of all the departments to meet the needs of the City as articulated by the City Commission over the past year.

The City Manager said that staff could go back through the budget and manipulate the nickels and dimes, but with each and every move, there would be an impact. He was also concerned about the economic uncertainty of the times given recent events, but he encouraged the Commission to consider the many things that were not directly impacted by property taxes. The City Manager pointed out that every department was not funded by property taxes, and therein lied inequities when across-the-board cuts were considered. Mayor Naugle said he had taken that into consideration in his calculations to arrive at a 1.5% cut, and if the cuts were made across-the-board, it would be a lesser amount.

The City Manager appreciated Mayor Naugle's suggestions and, if the Commission wished to approve a millage rate tonight that would generate \$2.2 million less than proposed, he would provide a recommendation at the next meeting as to areas in the budget for reduction. He believed staff could examine the issues in the longer range in order to minimize the impact in future years because he did not want to be here next year suggesting that the budget be increased even more to make up for this year.

Commissioner Moore said that when the City Manager had told him that the proposed budget was the amount necessary, he had been willing to accept that, but now it appeared some cuts could be made after all. He was bothered by that idea because the budget could either be cut or not. Commissioner Moore withdrew his previous motion.

Commissioner Hutchinson agreed she was also discouraged because she had been prepared to support the City Manager's budget, but it appeared there were opportunities for reduction.

The City Manager clarified that he stood behind his proposed budget, but when Mayor Naugle had suggested some specific reductions, he had indicated that if the Commission opted to go that route, he would prefer to suggest cuts that would have the least impact from a professional standpoint.

Commissioner Smith said that private business did this sort of thing all the time. He explained that there was usually a preferred budget, and different programs were put in place when things changed. In this case, the budget amounted to \$347 million, and he believed there was some flexibility within that budget. He did not blame the City Manager for trying to get as much money as possible to work with, particularly since the City Commission expected a lot. However, he felt it was the Commission's responsibility to the taxpayer to ensure the government did the most possible for as little as possible.

Mayor Naugle asked how much higher this budget was than last year's, and Mr. Sharp replied the All Funds Budget would rise \$10 million under the proposed budget. Commissioner Katz suggested that instead of a wholesale \$2 million reduction, the millage rate be approved to generate \$1 million less. Mr. Sharp advised that a millage rate of 4.8762 mills would mean that the average tax bill would not increase or a 5.7% property tax increase over the rolled-back rate. It was the consensus of the Commission to approve a rate of 4.8762 mills.

Mayor Naugle announced that the millage rate for all general City purposes, exclusive of debt, would be 4.8762 mills, which represented a 5.7% increase in the millage rate over the rolled-back rate of 4.6112 mills, which was characterized by State Statute as a 5.7% property tax increase. The millage rate for debt service for the combined 1987/1992/1998 General Obligation Refunding Bonds would be .2869, which represented a 5.7% increase in the millage rate over the rolled-back rate of .2715. Further, the millage rate for debt service for the 1997 General Obligation Bond would be .2099, which represented a .6% increase in the millage rate over the rolled-back rate of .2086 mills.

Commissioner Moore introduced a written resolution, as amended, to establish the proposed millage rate as follows:

Operating Budget 4.8762 1987/1992/1998 GOB Debt Service 0.2869 1997 GOB Debt Service 0.2099

RESOLUTION NO. 01-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001 AND ENDING SEPTEMBER 30, 2002.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

Commissioner Smith introduced the following ordinance, as amended, on second reading:

ORDINANCE NO. C-01-41

AN ORDINANCE ADOPTING THE APPROVED BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Katz.

2001/2002 Sunrise Key Neighborhood Improvement District (PH- 2)

The second public hearing was held on the tentative budget of the Sunrise Key Neighborhood Improvement District for the fiscal year beginning October 1, 2001 and ending September 30, 2002.

Mayor Naugle stated that this was the second of two public hearings to be held as required by law on the millage rate and Sunrise Key Neighborhood Improvement District budget for fiscal year 2001/2002. The purpose of this hearing was to receive requests and comments regarding this budget and tax levies.

Mr. Terry Sharp, Assistant Director of Finance, announced that for fiscal year 2001/2002, a percentage increase in the millage rate of 59.3% over the rolled back rate had been calculated of .9419 mills, which was characterized by State Statute as a 59.3% increase in property taxes. The City had found this rate necessary to fund the proposed budget, and the proposed millage rate of 1.5 mills, which included all ad valorem taxes except debt service and would be combined with the City's levy for the State required advertisement concerning the budget and taxes.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the public hearing be closed. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001 AND ENDING SEPTEMBER 30, 2002.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson adopting the budget for the Sunrise Key Neighborhood Improvement District for the fiscal year beginning October 1, 2001 and ending September 30, 2002. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Agreement – Monterey Peninsula Artists <u>Performance by Keb'Mo' at the 2001 Sound Advice Blues Festival</u>(M-1)

A motion authorizing the proper City officials to execute an agreement with Monterey Peninsula Artists in the amount of \$15,000, of which \$10,000 will be paid by Sound Advice, for the performance by Keb'Mo' at the 2001 Sound Advice Blues Festival on November 4, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1414 from City Manager.

Event Agreement – Fort Lauderdale International Boat Show (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Marine Industries Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fort Lauderdale International Boat Show** to be held **Thursday**, **October 25**, **2001 through Sunday**, **October 28**, **2001 from 10:00 a.m. to 7:00 p.m.**; **and Monday**, **October 29**, **2001 from 10:00 a.m. to 6:00 p.m.** at Bahia Mar, Broward County Convention Center, Pier 66, Marina Marriott, Las Olas Marina, Hall of Fame, and D. C. Alexander Park; and further authorizing the closing of S.E. 5 Street between Fort Lauderdale Beach Boulevard (northbound State Road A-1-A) to Seabreeze Boulevard (southbound State Road A-1-A) from one hour before the show opens until one hour after the show closes each day.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1411 from City Manager.

Event Agreement – Las Olas Fall Flower Show (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the Las Olas Association to indemnify, protect, and hold harmless the City from any liability in connection with the Las Olas Fall Flower Show to be held Sunday, October 7, 2001 from 10:00 a.m. to 5:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1410 from City Manager.

<u>Extension of Agreement – Jack Nelson – Fort Lauderdale Swim Team</u> (M-4)

A motion authorizing the proper City officials to execute a one-year extension agreement with Jack Nelson for consulting, coordinating and coaching services for the Fort Lauderdale Swim Team.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1418 from City Manager.

Grant Agreement – Broward County

Cultural Affairs Council – Community Arts and Education Project (M-5)

A motion authorizing the proper City officials to execute an agreement with the Broward County Cultural Affairs Council for a grant in an amount not to exceed \$20,000 for the Community Arts and Education Project, which will offer a comprehensive fine arts program for cultural underserved youth in the City; and further authorizing the proper City officials to execute the necessary documents to accept such grant funds.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1408 from City Manager.

<u>Agreement – Broward County – FY 2001/2002 FLASH After School Program</u>.....(M-6)

A motion authorizing the proper City officials to execute an agreement with Broward County for a grant in the amount of \$50,000 for the FY 2001/2002 FLASH After school Program; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1409 from City Manager.

A motion authorizing the proper City officials to transfer \$10,000 from the LETF (Fund 107) to POL050201/4299 for use as a cash match for the Project Second Chance grant from OIC of Broward County.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1420 from City Manager.

A motion authorizing the proper City officials to transfer \$435,135 from the LETF to various accounts to fund the FY 2001/2002 Confiscation Operating Budget, and further authorizing the carryforward of previously approved appropriations from the LETF totaling \$18,093.53.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1394 from City Manager.

Transfer from Law Enforcement Trust Funds (LETF) – Police School Resource Officers - FY 2000/2001 and 2001/2002(M-9)

A motion authorizing the proper City officials to transfer \$402,516 from the LETF to various accounts for four (4) School Resource Officers' salaries and operating expenses for FY 2001/2002; and further authorizing the transfer of funds from the LETF to the FY 2000/2001 School Resource Officer budget to cover overtime and miscellaneous charges, most of which will be reimbursed into LETF Revenue Account.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1395 from City Manager.

Contract Renewal – Weekley Asphalt Paving, Inc. - <u>Project 10252-A – FY 2001/2002 Annual Asphalt Resurfacing Contract</u> (M-10)

A motion authorizing the proper City officials to execute an agreement with Weekley Asphalt Paving, Inc. in the approximate amount of \$716,775 for the renewal of the FY 2001/2002 annual asphalt resurfacing contract.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1381 from City Manager.

Agreement – Fort Lauderdale Historical Society –
Professional Services for Historic Preservation Board(M-11)

A motion authorizing the proper City officials to execute a five-year agreement with the Fort Lauderdale Historical Society to provide professional services in connection with the City's Historic Preservation Board.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1349 from City Manager.

Interlocal Agreement – Broward County –

Inspection and Building Plan Review – The Specialty Permit Program(M-12)

A motion authorizing the proper City officials to execute an interlocal agreement with Broward County for inspection, plan review, building official, and related services to be performed by the Broward County Building Code Services Division, in connection with The Specialty Permit Program.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1325 from City Manager.

Contract Award – Siga, Inc. – Projects 9801 Tarpon River Entranceway Neighborhood
Capital Improvement Project (NCIP)(M-13)

A motion authorizing the proper City officials to execute an agreement with Siga. Inc. in the

A motion authorizing the proper City officials to execute an agreement with Siga, Inc. in the amount of \$28,000 for the Tarpon River entranceway NCIP project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1171 from City Manager.

Contract Award – Florida Blacktop, Inc. –
Projects 10326 and 10212 –
Riverland Brick Paver Crosswalk Intersection
Neighborhood Capital Improvement Projects (NCIP)(M-14)

A motion authorizing the proper City officials to execute an agreement with Florida Blacktop, Inc. in the total amount of \$44,000 for two brick paver crosswalk intersection NCIP projects in the Riverland neighborhood.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1172 from City Manager.

<u>Disbursement of Funds – O. R. No. 99-133681 - \$3,449.35 U. S. Currency</u>(M-15)

A motion authorizing the equitable disbursement of funds, with each of the 17 participating agencies to receive \$202.90.

Recommend: Motion to approve.

Exhibit: Memo No. 01-8-10 from City Attorney.

Disbursement of Funds – O. R. No. 99-133681 - \$18,196.48 U. S. Currency(M-16)

A motion authorizing the equitable disbursement of funds, with each of the 17 participating agencies to receive \$1,070.38.

Recommend: Motion to approve.

Exhibit: Memo No. 01-8-11 from City Attorney.

Authorization to Negotiate with

CCNA Top Ranked Firm - Camp Dresser & McKee -

Project 10368 – General Wastewater System Consulting Services(M-17)

A motion approving the CCNA's Committee's ranking and authorizing the proper City officials to commence contract negotiations with the top ranked firm, Camp Dresser & McKee, for general wastewater system consulting services.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1376 from City Manager.

Amendment of Sanitary Sewer Agreement – Prospect Park Housing Associates, Ltd. and Iglesia Christo La Roca Asambleas De Dios, Inc. Church Inc. Church

A motion authorizing the proper City officials to execute an amendment to the sanitary sewer agreement with Prospect Park Housing Associates, Ltd. and Iglesia Christo La Roca Asambleas De Dios Inc. Church.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1250 from City Manager.

Sanitary Sewer Agreement – Laxmi Properties, LLC – 1150 State Road 84(M-19)

A motion authorizing the proper City officials to execute a sanitary sewer agreement with Laxmi Properties, LLC, for connection to the City's transmission system at 1150 State Road 84.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1305 from City Manager.

Sanitary Sewer Agreement –

A motion authorizing the proper City officials to execute a sanitary sewer agreement with Causeway Corporate Center. Ltd., for connection to the City's existing wastewater system located along Miami Road.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1373 from City Manager.

Transfer of General Fund Contingencies and Task Order -

Recreational Design and Construction, Inc. -

Project 9995 – Welcome Park Phase II (M-21)

A motion authorizing the proper City officials to execute a task order with Recreational Design and Construction, Inc. in an amount not to exceed \$78,961 for design-build services for Welcome Park Phase II.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1379 from City Manager.

Supplemental for Purchase Order No. 2248 -

Environmental Consulting and Technology, Inc. -

Project 9831 – Executive Airport Way and Drainage Swale Improvements(M-22)

A motion authorizing the proper City officials to execute a supplemental to Purchase Order No. 2248 with Environmental Consulting and Technology, Inc. in the amount of \$5,800 for monitoring of vegetation maintenance for Executive Airport Way and drainage swale improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1380 from City Manager.

PURCHASING AGENDA

352-7294 – Auctioneer Services Contract Extension (Pur-1)

An agreement for the extension of the auctioneering services contract for the November auction is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: Rene Bates Auctioneer's, Inc. (WBE)

McKinney, TX

Amount: \$ 20,000.00

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 01-1370 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the one time contract extension.

Bid 312-8548 -Purchase/Install (3) Under deck Compressors (Pur-2)

An agreement to purchase and install three under deck compressors is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: Fontaine Truck Equipment Co.

Fort Lauderdale, FL

Amount: \$ 27, 900.00

Bids Solicited/Rec'd: 25/ 1 with 7 no bids

Exhibits: Memorandum No. 01-1324 from City Manager

The Purchasing Division recommends award to the single responsive and responsible bidder with a transfer of \$5,000 from Other Equipment (PBS660407-6499), \$22,320 from Other Equipment (PBS660408-6499) and \$580 from Other Equipment (PBS660409-6499) to Vehicles (ADM030501-6499).

BP-000034 - Request for Disposition of City Records(Pur-3)

An agreement to purchase additional services for the disposition of City records pursuant to the State's records retention schedule is being presented for approval by the Administrative Services, Central Services Division.

Low Responsible Bidder: Iron Mountain, Inc. Fort Lauderdale, FL

Amount: \$ 18,200.00

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 01-1360 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the additional contract expenditure.

Equipment and services to build out SWAT vans(Pur-4)

An agreement to purchase equipment and services to build out two SWAT vans and the waiver of formal bid procedures is being presented for approval by the Police Department.

Low Responsible Bidder: PRIDE Enterprises

St. Petersburg, FL

Amount: \$ 41,628.39

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 01-1232 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve an after the fact purchase and waiver of formal bid procedures.

<u>Bid 612-8531 – Aggregates, soil and rock</u>.....(Pur-5)

A two year price agreement for aggregates, soil and rock is being presented for approval by the Public Services Department.

Low Responsible Bidders: Austin Tupler

Davie, FL

Portland Trucking Services

Miami, FL

Associated Auto Salvage Fort Lauderdale, FL

Per unit pricing Amount:

Bids Solicited/Rec'd:

Exhibits: Memorandum No. 01-1355 from City Manager

The Purchasing Division recommends award to the low responsive and responsible bidders.

Bid 612-8532 – Ductile and C-900 PVC Pipe(Pi	ur-	6)
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An agreement to purchase ductile iron pipe and C-900 PVC pipe with waiver of legal advertisement is being presented for approval by the Public Services Department.

Low Responsible Bidder: A&B Pipe and Supply, Inc. (MBE)

Miami, FL

Amount: \$94,691.44 Bids Solicited/Rec'd: 24/5 with 1 no bid

Exhibits: Memorandum No. 01-1352 from City Manager

The Purchasing Division recommends award to the low responsive and responsible bidder and the waiver of requirements for legal advertisement for approval of purchases through September 30, 2002.

Mayor Naugle announced that Consent Agenda Item No. M-6 had been deleted from the agenda and would not be considered this evening.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-2, M-19, and M-21 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Event Agreement – Fort Lauderdale International Boat Show (M-2)

Ms. Amy Galloway, representing Broward Marine, asked that the Commission condition its approval upon a requirement that operators not discriminate against any vendors. She explained that the courts had allowed Broward Marine to continue its fine tradition of participating in the Boat Show, but the most recent decision had been appealed, and the appeals court and rules there was a dispute between private vendors. Therefore, because this decision involved permission from the State to use sovereign lands and approval of the City to use D.C. Alexander Park, she was asking the Commission to condition its approval upon a requirement that vendors be permitted to participate as long as they met the marketing criteria of the Boat Show and met all its rules and regulations.

Mayor Naugle inquired as to the basis of the discrimination. Ms. Galloway explained that there had been a dispute between Broward Marine and the operator of the Boat Show several years ago, and there had been the right to take that dispute to court. Thereafter, Show Management had precluded Broward Marine from participating in the Boat Show because it had exercised its due process and First Amendment rights to redress.

Mr. Dan Graziano, Vice-President of Yachting Promotions, stated that his firm did not discriminate. He advised that Broward Marine was essentially asking the Commission to allow them to participate in this Show after causing the promoter to spend countless legal hours addressing a dispute. Mr. Graziano stated that this was an issue between the two parties and had nothing to do with the City.

Commissioner Smith asked Mr. Graziano if he could share the nature of the dispute. Mr. Graziano advised it was a contract dispute. Commissioner Smith said he was inclined to approve this item as presented unless someone could provide additional information about the dispute. Ms. Galloway said that pursuant to testimony provided before a judge, Yachting Promotions had indicated that Broward Marine could not participate in the Boat Show because it had filed a suit. She explained that there had been a breach of contract in that Broward Marine had not been allowed to participate in the 1999 Boat Show.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-2 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Sanitary Sewer Agreement – Laxmi Properties, LLC – 1150 State Road 84(M-19)

Commissioner Hutchinson asked what hotel was involved as the back-up material mentioned two, and Mr. Hector Castro, City Engineer, replied that it involved the Hawthorne Hotel.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-19 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Transfer of General Fund Contingencies and Task Order Recreational Design and Construction, Inc. –
Project 9995 – Welcome Park Phase II(M-21)

Commissioner Katz asked if donated trees could be used so \$78,000 would not have to be spent. Mr. Pete Sheridan, Assistant City Engineer, believed it was a matter of timing due to contractual arrangements. He explained that since the Welcome Center did not seem able to move forward, the City was obligated to provide these plantings and, due to time constraints, staff had not explored other funding possibilities. Commissioner Katz inquired about using the trees included in the Parks Bond. She felt other ways to obtain these trees should be explored.

Commissioner Smith asked if the Parks Bond "trees account" was still active. Mr. Sheridan replied it was, although he did not know the balance off-hand. Mr. Phil Thornburg, Parks Superintendent, stated that there was money in the Parks Bond for trees, but there was an issue of timing associated with City crews handling this in a timely manner. Commissioner Smith suggested the use of the Citizens Volunteer Corps (CVC).

Mayor Naugle wondered if the City could get a little more time if it were requested. He thought this was the type of thing that would be necessary with a smaller budget. Commissioner Katz felt the City should ask for an extension and explore the idea of using the CVC to plant the trees. The City Manager asked Mr. Sheridan if this item could be deferred. Mr. Sheridan understood the agreement required that the plantings had to be done within 30 to 60 days, so an amendment to the agreement with those who had donated the property would be necessary.

Commissioner Hutchinson pointed out that this gift of land had cost the City a lot of money. She wondered how much more would be spent, and she asked if she could assume that the Welcome Center would never be built based upon the back-up memorandum. Mr. Sheridan said that intentions of the contract could not be met, but the plantings would complete the City's obligation. He advised that the cost involved had been about \$230,000, of which the Florida Department of Transportation (FDOT) had provided \$100,000.

Motion made by Commissioner Smith and seconded by Commissioner Katz to defer this item to October 2, 2001 in order to develop a different strategy. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Settlement of General Liability File No. GL 98-105B (Skip "Lee" Ault) (M-23)

A motion was presented authorizing the settlement of General Liability File No. GL 98-105B (Skip "Lee" Ault) in the amount of \$40,000.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the settlement of General Liability File No. GL 98-105B (Skip "Lee" Ault) in the amount of \$40,000. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Settlement of Labor Relations File No. GL 98-907 (Yolanda Cowart) (M-24)

A motion was presented authorizing the settlement of Labor Relations File No. GL 98-907 (Yolanda Cowart) in the amount of \$191,000.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the settlement of Labor Relations File No. GL 98-907 (Yolanda Cowart) in the amount of \$191,000. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

The City Manager stated that this item represented a settlement of a matter between the City and a former employee. It had been the result of negotiations, and the settlement had come at the strong urging of the City's insurance carrier, but it was no admission of wrongdoing on the part of the City. Rather, it was a business decision he believed was in the best interests of the City as a fiduciary responsibility to the taxpayers to try to limit monetary damages that could accrue.

Settlement of Labor Relations File No. GL 98-784 (Timothy St. Fleur) (M-25)

A motion was presented authorizing the settlement of Labor Relations File No. GL 98-784 (Timothy St. Fleur) in the amount of \$130,000. The City Manager wished to withdraw this item from the agenda because he believed there was further work to do in this matter.

Settlement of General Liability File No. GL 97-349A (Robert James) (M-26)

A motion was presented authorizing the settlement of General Liability File No. GL 97-349A (Robert James) in the amount of \$50,000.

Motion made by Commissioner Moore and seconded by Commissioner Smith to authorize the settlement of General Liability File No. GL 97-349A (Robert James) in the amount of \$50,000. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of Southeast 2nd Street, Between Southeast 8th Avenue and Federal Highway – <u>The Las Olas Company, Inc., et al (PZ Case No. 20-P-00)</u>(PH- 3)

At the regular meeting of the Planning & Zoning Board on January 18, 2001, it was recommended by a vote of 4 to 3 that the following application be approved. Notice of the public hearing was published on March 3 and 10, 2001. On March 15, 2001, first reading of the ordinance was deferred to June 19, 2001 by a vote of 3 to 2 (Hutchinson and Naugle). On June 19, 2001, first reading was deferred to September 20, 2001 by a vote of 5 to 0.

Applicant: The Las Olas Company, Inc., et al Request: Vacate a portion of Southeast 2nd Street

Location: Southeast 2nd Street, between Southeast 8th Avenue and Federal

Highway (U.S. 1)

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to October 16, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of Southwest 18th Court – City of Fort Lauderdale (PZ Case No. 26-P-01)(O- 1)

At the August 15, 2001 Planning and Zoning Board meeting, the following application was approved by a vote of 7-0. Ordinance No. C-01-34 was published on August 24 and 31, 2001 and was passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 5 to 0. (See also Item O-2 on this Agenda).

Applicant: City of Fort Lauderdale/Engineering Services

Request: Vacate a portion of S.W. 18 Court

Location: S.W. 18 Court between S.W. 1 Avenue and the Florida East Coast

Railway

Mr. Hector Castro, City Engineer, stated that this item was connected with Item O-2, and there were competing interests in terms of the use of this right-of-way between Florida East Coast Railway and the Maritime School. He advised that an agreement had been reached between the parties, and how the land and costs would be divided had been worked out this afternoon. Mr. Castro said the vacations would not become effective until a certificate was issued by the Office of the City Engineer indicating that certain conditions had been met, including:

- That there be a legally binding agreement between Florida East Coast Railway, Mr. and Mrs. Morley who owned the Maritime School, and the City describing the responsibilities and actions of the parties benefiting from these vacations;
- That there be an additional vacation presented to the Commission to vacate the south 40' of Southwest 18th Court, between its intersection with Southwest Flagler and 1st Avenue, to allow some additional property for the future use of the School without impacting the right-of-way;

- That both property owners make the best use of the vacation through quit claim deeds;
- That Florida East Coast Railway would relocate or remove track spurs or switches in accordance with the agreement; and
- That the Maritime School participate in funding portions of the cost of relocating the tracks, and the level of participation would be spelled out in the agreement.

Mr. Castro stated that in addition to those conditions, a utility easement would be retained in perpetuity, as opposed to a temporary easement originally contemplated under Item O-2.

Commissioner Hutchinson hoped the public understood that the City was not vacating a section of road that people used. Rather, the street dead-ended at the railroad tracks. Mr. Castro added that the street was also not paved and twice the width of a typical residential street.

Commissioner Moore introduced the following ordinance, as amended, on second reading:

ORDINANCE NO. C-01-34

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR SOUTHWEST 18TH COURT (PLATTED AS MARION STREET) AS SHOWN ON THE PLAT OF "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, BOUNDED ON THE EAST BY A LINE PARALLEL WITH AND 50 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY AND BEING BOUNDED ON THE NORTH AND SOUTH BY THE RIGHT-OF-WAY LINES OF SAID SOUTHWEST 18TH COURT AND THEIR WESTERLY EXTENSIONS, LOCATED ON SOUTHWEST 18TH COURT ON THE EAST SIDE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY; SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of Flagler Avenue – E & B. Morley and <u>T. & M. Tahmassebi (PZ Case No. 25-P-00)</u>(O-2)

At the Planning and Zoning Board regular meeting on March 21, 2001, it was recommended by a vote of 8 to 0 that the following application be approved. Ordinance No. C-01-19 was published on April 21, 2001. On May 1, 2001, the City Commission deferred first reading to May 15, 2001 by a vote of 5 to 0. On May 15, 2001, first reading was approved by a vote of 5 to 0. On June 5, 2001, second reading was deferred to June 19, 2001 by a vote of 5 to 0; on June 19, 2001, second reading was deferred to July 10, 2001 by a vote of 5 to 0; and, on July 10, 2001, second reading was deferred to September 20, 2001 by a vote of 5 to 0. (See also Item O-1 on this Agenda).

Applicant: E. & B. Morley and T. & M. Tahmassebi

Request: Vacate a portion of Flagler Avenue abutting Lots 1 through 9, Block 59,

Croissant Park, Plat Book 4, Page 28 and the Florida East Coast (FEC)

Railroad.

Location: Flagler Avenue, east of the FEC Railroad, between S.W. 18 Court and

S.W. 20 Street

Commissioner Moore introduced the following ordinance, as amended, on second reading:

ORDINANCE NO. C-01-19

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF FLAGLER AVENUE, AS SHOWN ON THE PLAT OF "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF BLOCK 59 OF SAID "CROISSANT PARK" AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 59, LOCATED EAST OF AND ADJACENT TO THE FLORIDA EAST COAST RAILROAD RIGHT-OF WAY, SOUTH OF SOUTHWEST 18TH COURT AND NORTH OF SOUTHWEST 20TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of S.W. 17 Avenue - City of Fort Lauderdale/River Oaks Civic Association (PZ Case No. 9-P-01) (O-3)

At the August 15, 2001 Planning and Zoning Board meeting, the following application was denied by a vote of 3-5. Ordinance No. C-01-35 was published on August 24 and 31, 2001, and passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 5 to 0.

Applicant: City of Fort Lauderdale/River Oaks Civic Association

Request: Vacate a portion of S.W. 17 Avenue

Location: S.W. 17 Avenue between S.W. 20 Street and S.W. 21 Street

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-35

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF SOUTHWEST 17TH AVENUE (PLATTED AS SOUTH DRIVE) AS SHOWN ON THE PLAT OF "OSCEOLA PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF BLOCK 2, OF SAID "OSCEOLA PARK" AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 2, LOCATED BETWEEN SOUTHWEST 15TH AND SOUTHWEST 18TH AVENUE SOUTH OF SOUTHWEST 20TH STREET AND NORTH OF SOUTHWEST 21ST STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Public Purpose Use/Site Plan Approval/CF - City of Fort Lauderdale – Woodlawn Cemetery (PZ Case No. 74-R-01) (O-4)

At the July 18, 2001 Planning and Zoning Board meeting, the following application was approved by a vote of 8-0. Ordinance No. C-01-36 was published on August 24 and 31, 2001, and was passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 5 to 0.

Applicant: City of Fort Lauderdale/Public Services Request: Public purpose use/site plan approval/CF

Location: 1901 N.W. 9 Street

At 9:07 P.M., Commissioner Hutchinson left the meeting.

Commissioner Moore noted that the wrong address had been listed in the back-up information.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-36

AN ORDINANCE APPROVING IMPROVEMENTS WITHIN A CEMETERY LOCATED WITHIN A CF ZONING DISTRICT THAT DO NOT MEET CERTAIN REQUIREMENTS OF THE ULDR, WHICH CEMETERY IS LOCATED AT 1901 N.W. 9TH STREET, AND GRANTING RELIEF FROM THE LANDSCAPING, FENCE AND SIGN LOCATION REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amend Chapter 8 – "Boats, Docks, Beaches and Waterways" – Delete Mayan Lake as a Watersports Activities Area (O-5)

An ordinance was presented amending Chapter 8 entitled "Boats, Docks, Beaches and Waterways," of the Code of Ordinances by amending Code Section 8-166 thereof deleting Mayan Lake as a Watersports Activities Area. Ordinance No. C-01-37 was published on August 26, 2001, and passed on first reading at the Regular Meeting of September 5, 2001 y a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE BY AMENDING CODE SECTION 8-166 THEREOF DELETING MAYAN LAKE AS A WATERSPORTS ACTIVITIES AREA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

At 9:08 P.M., Commissioner Hutchinson returned to the meeting.

An ordinance was presented amending Article X entitled "Cable Television Systems," of Chapter 25 of the Code of Ordinances to provide for amendments necessary for compliance with the Florida Communications Services Tax Simplification Law. Ordinance No. C-01-38 was published on August 26, 2001, and was passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 4 to 0.

Mayor Naugle asked if the cable company had paid the fines. Mr. Bruce Larkin, Director of Administrative Services, replied that the fines had not yet been paid as the cable company was entitled to due process, although a meeting in this regard had been held on September 17, 2001, and notice of the fines had been provided on August 29, 2001. He stated that the cable company had provided a written response on September 10, 2001, and meetings were continuing in an effort to resolve the fine and other outstanding matters.

Mayor Naugle asked if the City would collect interest on the fines from the date they were assessed. Mr. Larkin did not believe the ordinance provided for interest, but he was working on various issues with the cable company for subsequent presentation to the Commission. He stated that if the discussions broke down, a formal process was prescribed to collect the fines up to and including court action.

Commissioner Moore preferred to defer this item instead of entering into a contractual relationship before negotiations had been concluded. He said that he planned to proposed increased fines when this ordinance was presented for second readings if Mr. Larkin was not satisfied with the progress of the negotiations.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer second reading of Ordinance No. C-01-38 until 6:00 p.m. on October 2, 2001. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amend Chapter 24 – "Solid Waste" – Sanitation Rate Structure and Rate Adjustments – FY 2001/2002 (O-7)

An ordinance was presented amending Chapter 24 entitled "Solid Waste," of the Code of Ordinances to increase the amount charged for unlawful accumulations of solid waste as provided in Section 24-7(c) to adjust the rate schedule provided in Section 24-47 for garbage and trash collection and disposal service, to delete Section 24-48 pertaining to refuse container replacement and maintenance fees, and to revise Section 24-49 pertaining to payment in conjunction with the rate schedule adjustment. Ordinance No. C-01-39 was published August 26, 2001, and was passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 3 to 1 (Naugle).

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-39

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "SOLID WASTE," TO INCREASE THE AMOUNT CHARGED FOR UNLAWFUL ACCUMULATIONS OF SOLID WASTE AS PROVIDED IN SECTION 24-7(c), TO ADJUST THE RATE SCHEDULE PROVIDED IN SECTION 24-47 FOR GARBAGE AND TRASH COLLECTION AND DISPOSAL SERVICE, TO DELETE SECTION 24-48 PERTAINING TO REFUSE CONTAINER REPLACEMENT AND MAINTENANCE FEES, AND TO REVISE SECTION 24-49 PERTAINING TO PAYMENT IN CONJUNCTION WITH THE RATE SCHEDULE ADJUSTMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Amend Chapter 20 – General Employees Retirement System – Pension Benefits for Employees (O-8)

An ordinance was presented amending Sections 20-17, 20-109 and 20-110 of the Code of Ordinances respecting the General Employees Retirement System by revising definitional terms, modifying normal retirement date for Group I members, clarifying early retirement as occurring prior to normal retirement, increasing the accrual rate for Group I members, clarifying service retirement for Group II members, providing vesting as applicable to termination of employment on or before normal retirement date, and providing for an effective date. Ordinance No. C-01-40 was published on September 10, 2001, and was passed on first reading at the Regular Meeting of September 5, 2001 by a vote of 5 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-40

AN ORDINANCE AMENDING SECTIONS 20-107, 20-109 AND 20-110 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY REVISING DEFINITIONAL TERMS; MODIFYING NORMAL RETIREMENT DATE FOR GROUP I MEMBERS; CLARIFYING EARLY RETIREMENT AS OCCURRING PRIOR TO NORMAL RETIREMENT; INCREASING THE ACCRUAL RATE FOR GROUP I MEMBERS; CLARIFYING SERVICE RETIREMENT FOR GROUP II MEMBERS; PROVIDING VESTING AS APPLICABLE TO TERMINATION OF EMPLOYMENT ON OR BEFORE NORMAL RETIREMENT DATE; PROVIDING FOR EFFECTIVE DATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amend Chapter 28 – Rates for Water, Wastewater and Stormwater (O-9)

An ordinance was presented amending Chapter 28 of the Code of Ordinances, entitled "Water, Wastewater and Stormwater," by amending Sections 28-76, 28-141, 28-143, 28-144, 28-145, and 28-19 thereof to increase wastewater user rates, tapping charges, water rates, sprinkling meter charges, private fire service protection charges, and stormwater management program rates. Ordinance No. C-01-42 was published on September 2, 2001, and was approved on first reading on September 12, 2001 by a vote of 5 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-42

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amendment to the Pay Plan – Pay Range Amounts for Schedules I and II (Nonbargaining Unit Employees)(O-10)

An ordinance was presented amending the Pay Plan of the City to modify the schedules for pay range amounts for supervisory, professional, managerial and confidential employees. Notice of the proposed ordinance was published on September 10, 2001. (See also Item O-11 on this Agenda).

Mayor Naugle preferred to hold off on this because he feared the Commission would receive recommendations later that would have an effect on this ordinance. The City Manager felt moving forward now would provide a smoother transition into the new fiscal year, and it recognized the agreements made with the bargaining units. For that reason, he felt this was time sensitive. Mayor Naugle pointed out that this would preclude the City Manager from suggesting an adjustment in this category. The City Manager did not believe that was the case. He explained that this ordinance was permissive, but it did not require that these pay ranges be set at a higher amount. The City Attorney added that the ordinance could be amended, if necessary, on second reading.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-43

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA MODIFYING THE SCHEDULES FOR PAY RANGE AMOUNTS FOR SUPERVISORY, PROFESSIONAL, MANAGERIAL AND CONFIDENTIAL EMPLOYEES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amendment to the Pay Plan (O-11)

An ordinance was presented amending the Pay Plan of the City to create new classes, pay ranges and management categories, and to adjust pay ranges and management categories. Notice of the proposed ordinance was published on September 10, 2001. (See also Item O-10 on this Agenda).

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-01-44

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA BY CREATING NEW CLASSES, PAY RANGES AND MANAGEMENT CATEGORIES AND ADJUSTING PAY RANGES AND MANAGEMENT CATEGORIES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

Amend Ordinance No. C-97-21 – Broward County Homeless
Assistance Center – Amendment to Day Care and Change of
Submittal Date for Annual Report (PZ Case No. 34-R-97)(O-12)

At the regular meeting of the Planning & Zoning Board on August 15, 2001, it was recommended by a vote of 7 to 0 that the following application be approved. Notice of the proposed ordinance was published on September 10, 2001.

Applicant: Broward County

Request: Amendment to day care/change of submittal date for annual report

Location: Broward County Homeless Assistance Center,

920 Northwest 7th Avenue

Commissioner Moore understood this would only allow outside users to utilize the day care facility. Mr. Horace McHugh, Assistant to the City Manager, having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, agreed that the children of the Fort Lauderdale homeless would be permitted to use the day care facility. He also noted that the ordinance also allowed a change in the date of submission of the audit compliance report.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-45

AN ORDINANCE AMENDING ORDINANCE NO. C-97-21 APPROVING THE USE OF PROPERTY AND A SITE PLAN FOR A HOMELESS ASSISTANCE CENTER LOCATED AT 600 WEST SUNRISE BOULEVARD, IN FORT LAUDERDALE, FLORIDA PURSUANT TO SECTION 47-18.26 TO REVISE CONDITIONS TO PERMIT CHILD DAY CARE TO BE PROVIDED TO CHILDREN IN OTHER PROGRAMS AND TO CHANGE THE TIME FOR SUBMITTING AN ANNUAL REPORT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

At 9:25 P.M., the meeting was recessed. It was reconvened at 9:34 P.M.

Amendment to Agreement – Florida Department of
Environmental Protection (DEP), Florida Recreation Development

<u>Assistance Program – George English Park Improvements</u> (R-1)

A resolution was presented authorizing the City Manager to execute an amendment to the agreement with DEP, Florida Recreation Development Assistance program, to modify the project elements for the George English Park improvements.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROJECT GRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, PROVIDING FOR AN AMENDMENT OT THE SCOPE OF THE GEORGE ENGLISH PARK PROJECT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Fiscal Year 2001/2002 Central Regional	
Wastewater System Larger User Rates	 (R-2)

A resolution was presented authorizing the Fiscal Year 2001/2002 Central Regional Wastewater System Large User Rate at \$0.73 per 1,000 gallons of wastewater treated, as approved by the Wastewater Larger User Advisory Board on August 30, 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$0.73 PER 1,000 GALLONS, DURING FISCAL YEAR 2001/2002, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION._____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Extension of Site Plan Approval – Costa Dorada Associates – Fortune House (PZ Case No. 4-R-00) (R-3)

A resolution was presented authorizing the extension of site plan approval for sixty (60) days from December 19, 2001 to February 17, 2002, for the Fortune House development based on amendments resulting from the recently adopted Statewide Building Code.

Applicant: Costa Dorada Associates
Request: Extension of site plan approval

Location: 505 North Fort Lauderdale Beach Boulevard

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO APPROVE AN EXTENSION OF TIME OF A SITE PLAN APPROVING A DEVELOPMENT ON PROPERTY LOCATED AT 505 NORTH FORT LAUDERDALE BEACH BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA._____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

City Commission Review of Application – Summit Properties – Summit Las Olas (PZ Case No. 150-R-00)(R-4)

At the September 5, 2001 Regular Meeting, the City Commission scheduled a de novo hearing by a vote of 3 to 2 (Moore and Hutchinson) for September 20, 2001 to review this application. Revised plans were reviewed by the Development Review Committee (DRC) on July 24, 2001 and received preliminary DRC approval on August 5, 2001.

Applicant: Summit Properties

Location: Northwest intersection of Southeast 2nd Street and U.S. 1 (Federal

Highway)

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Ms. Cecelia Hollar, Construction Services Director, recalled that a motion had been made at the September 5, 2001 Commission meeting to review the application filed on behalf of the proposed Summit Las Olas project with Crime Prevention Through Environmental Design (CPTED) being the issue for the call-up by the Commission.

Ms. Courtney Callahan, Attorney for the applicant, did not know that the applicant had been provided with any specifics about CPTED concerns, although there had been meetings with several Commissioners about other concerns related to the project. It was her understanding that the hearing this evening related solely to the issue of CPTED and wanted to clarify what was already contained in the record. Ms. Callahan understood the record consisted of the site plan for the project; DRC comments; Ordinance No. C-99-75, which was the call-up ordinance codified in Section 47-2.B.A.2 of the ULDR; the transcript of the Commission discussion on September 5, 2001; and, her letter to the City Manager dated September 14, 2001.

Ms. Callahan did not believe the Commission had standing on this issue. It was her understanding that this hearing related solely to the issue of CPTED, so while she was happy to discuss other aspects of the plan, she wished to confirm that understanding and reserve her objection.

Mayor Naugle noted that this item had been placed on the Commission's agenda as a review of the application. He did not know that the discussion was limited solely to CPTED issues. The City Attorney said he was not prepared to agree totally with Ms. Callahan. He explained that the matter had, in fact, been the subject of a motion to call it up for review based upon the misapplication of CPTED criteria by the DRC in the review process. The City Attorney stated that the entire site plan was not before the Commission, and the height of the building was not a subject for this hearing. However, CPTED and matters related to CPTED were properly before the Commission.

Ms. Callahan said it would be helpful if she understood what matters were at issue so she could address the specific concerns in that regard. Commissioner Smith noted that he had met with the applicant to discuss some of the CPTED principles and ways the project could be improved to make it safer and contribute more to the community. He advised that efforts to improve mass transit features had been discussed, and he felt the building would be safer if meaningful mass transit could be incorporated. He believed the applicant agreed and even though the County was embarking on a plan to require developers to pay impact fees for transit, it appeared that would not be required of this particular development. Nevertheless, Commissioner Smith had asked the applicant if he would be willing to work voluntarily toward that end, and he had indicated the developer was willing to do that. The applicant stated that he wanted residents of the project to have the ability to use existing and future mass transit and would be willing to contribute \$10,000 toward research and study as to how these systems could be improved.

Commissioner Katz thought this project was a good example of why developers should be forced to make their downtown buildings safe and pedestrian-friendly. Although the subject had been under discussion for a long time, it seemed as if nothing was done unless it was forced. She had contacted retired Captain Paul Urschulitz concerning CPTED, as well as others with expertise in the field. Commissioner Katz had concluded that CPTED principles included natural access and surveillance, and she did not believe any features had been included to address the outside perimeter of the building. She did not feel lighting and closed circuit cameras were sufficient because they did not protect people walking around the perimeter of the project where there were numerous alcoves and "cubbies" where people could hide. Commissioner Katz felt some sort of activity was necessary for pedestrians to be safe and provide some "eyes on the street." She did not think pedestrians would feel safe walking in the area. Commissioner Katz submitted written materials from her experts on CPTED, which the City Attorney accepted as part of the permanent record of these proceedings.

Commissioner Hutchinson understood Summit House actually had two projects, one of which had already been approved and this project. It was also her understanding that if this project was not approved, the City could get "stuck with" the first project that she absolutely did not like or want. Commissioner Hutchinson suggested a compromise for that reason — that the developer provide a police substation along Federal Highway in the dark area. She thought it could house the bike patrol in order to provide a police presence. Commissioner Hutchinson acknowledged this compromise would not provide the retail use that a lot of people desired, but it would provide some measure of activity and safety.

Commissioner Katz did not believe the first project that had been approved conformed with CPTED principles either, and she was concerned because the compromise would only address one small area. She pointed out that retail was not essential since there were other services that could be provided in this zoning district.

Ms. Callahan stated that the developer would be willing to work with the Police Department to provide a substation ranging in size from 200 to 400 square feet. Commissioner Hutchinson asked the Police Chief if this would be suitable. Chief Brasfield replied that the Police Department would welcome any space where officers could stop in and write reports, etc., but he did not want anyone to expect that it would be staffed on a regular basis. He stated that there were no substations in the downtown area at this time, but there were more substations overall than the Police Department could man.

Mayor Naugle wished to disclose that he had spoken to the applicant's Attorney and Peter Feldman about this project. He also stated that he was disappointed that the DRC had recommended this project and felt more could have been done with retail uses to address CPTED principles. Mayor Naugle thought this project would be better than New River Village, but he still did not think it met current standards. Commissioner Katz did not think a blank wall, even with lights, would make pedestrians comfortable. She noted that other potential uses included a small theater, an art gallery, an ice cream store, continuing education classes, a child care facility, and a bookstore. Commissioner Katz did not believe a single substation would resolve her concerns as to Federal Highway, and there was nothing on the north side of the project to engage pedestrians. She felt the developer should commit to making his own residents and the public feel safe.

Commissioner Smith asked Ms. Callahan what was proposed in the building in the areas of concern to Commissioner Katz. Ms. Callahan replied that tenant-serving, light retail uses were proposed. She stated that each of those spaces would be accessible to the public through the arcade, and the retail uses extended 65' from the corner of 2nd Street. Ms. Callahan pointed out the areas in question on the site plan.

Commissioner Smith complimented Commissioner Katz on her tenacity, but he believed the City had gotten as much as it could get out of this developer. In the future, he hoped for even more because he wanted a 24-hour town, but he thought this was the best that could be done with this project.

Commissioner Hutchinson thought this project could serve as the "poster child" for positive change in the Code. She pointed out that if this project was not approved, the developer could build the first project that had already been approved because higher standards could not be forced on this development because the Code did not require more at this point. Commissioner Katz felt the CPTED principle had been overlooked in terms of the perimeter of the building. She thought this project was a mistake, and she did not think the City had to accept a medallion and a bench in lieu of CPTED principles.

Commissioner Moore did not believe there had been any retail uses on the ground floor when this project had first been presented. Ms. Callahan agreed that was correct. Commissioner Moore concluded that there had been some concessions other than a medallion and a bench in that case. He understood there would be surveillance cameras, and he wondered who would be watching the taped images. Ms. Callahan stated that there would be 24-hour security personnel on duty.

Commissioner Moore inquired about how this project would impact the adjacent Templeton property. Ms. Callahan advised that Summit Properties had purchased that property, and the owner had to approve this site plan as a condition of the sale. That owner had perceived that this site plan would be beneficial and improve access to the Templeton property. She noted that significant landscaping would be provided, and the hope was that the residents of the new project would patronize the retail uses on the adjoining property.

Mr. Mike Cove, of Summit Properties, described the northern elevation of the project. He pointed out ornamental gates covering the loading bays, as well as landscaping to conceal the loading areas. Upon questioning by Commissioner Moore, Mr. Cove described the access routes for vehicular traffic to and from the building and pointed out the on-street parking on 2nd Street. Commissioner Moore inquired about the size of the trees that would be planted. *Mr. Rhett Roy*, Landscape Architect, stated that large oak trees currently in the parking lot would e relocated along Federal Highway. Commissioner Moore felt the shade canopy, the arcades, and the cameras addressed CPTED principles without dictating the types of uses that would be built on the ground floor. Mr. Roy felt the result would be a spectacular streetscape from an aesthetic viewpoint and rival anything else in the City today.

Commissioner Moore asked if the developer would consider some type of brick paver system from the rear of the building to the sidewalk connection at SunTrust Bank in order to provide an even greater pedestrian identity. Mr. Roy advised that there would be a paver crosswalk connecting to the Templeton building, and the same treatment would be provided across the intersection at Las Olas Boulevard. He stated that was consistent with the Downtown Development Authority's program for this street.

Commissioner Smith asked what would happen if any of the oak trees did not survive relocation. Mr. Roy said there had been a 100% success rate so far, and there was a good supply of trees available.

Commissioner Hutchinson raised questions about on-street parking. Mr. Chris Barton, Construction Services, stated that 22 spaces would be removed, and an annual fee would be paid to the City's Parking Fund in lieu of those spaces as provided by City ordinance. Ms. Callahan understood the on-street parking had not been consistent with the DDA's plan, and the developer was committed to doing whatever the Parking Manager required. She explained that might mean leaving a certain number of spaces, at the Parking Manager's discretion, relocating some spaces, and/or paying a fee to the Parking Fund as required by the City's ordinances. Ms. Callahan believed there were 14 spaces at issue, but Mr. Barton believed there were 21 or 22 spaces involved. Commissioner Smith thought fees generated to replace the recurring parking revenues could be used to address mass transit expenses. To clarify, Ms. Callahan advised that there were 21 spaces, and 7 were being relocated, so there were 14 at issue.

Commissioner Katz acknowledged that arcades were desirable, but only if there was something to look at as pedestrians passed through the arcades. She did not feel a covering alone was sufficient. She had also learned from the experts that closed circuit television was not the answer in exterior environments and only provided a false sense of security. Commissioner Katz felt the Police Department should participate in DRC meetings to address perimeter CPTED principles in the future, particularly in the downtown area.

Chief Brasfield distributed a 4-page document that had been used as a standard in law enforcement and architecture for about 10 years relating to CPTED principles. He noted that one emphasis was that CPTED principles were not intended to dictate design issues but to assist in the visualization of a safe environment. Chief Brasfield said that the difficulty for the Police Department was it could be caught up in a process intended to accomplish something other than CPTED principles. He explained that there were not hard and fast rules, but the intent was to examine general issues related to public access, site line, cameras, parking, access, etc. Chief Brasfield believed the police employee who had reviewed this project had utilized CPTED principles, in general and consistently with past practice. He noted that if public safety was the primary purpose of the DRC review, the Police Department could be extremely critical and focus on that issue.

Commissioner Katz said that some of the same items mentioned in the document Chief Brasfield had distributed matched comments from the experts she had consulted. She understood it was a matter of considering all of the components when a project was examined. Chief Brasfield agreed. He explained that the police review involved identifying the most important public safety aspects, although not all of them, so if that was the Commission's desire that each and every general CPTED principle be addressed, the review would respond to each and every one.

Commissioner Smith understood that several conditions had been agreed upon, including the addition of a police substation in a location to be determined along Federal Highway, donation of \$10,000 to the City for mass transit purposes, and parking fee contributions as provided for by City ordinance.

Commissioner Smith thought it would be nice if the parking fees paid by this developer were presented to the City Commission as to how those funds should be directed. The City Manager believed the ordinance required that revenues generated in this fashion go back to the Parking Fund. Mayor Naugle noted that contributions could be made from an Enterprise Fund into the City's General Fund.

Ms. Hollar noted that she needed a timeframe for payment of the \$10,000 contribution. She suggested it be paid prior to issuance of building permits. Ms. Callahan felt that was agreeable.

Ms. Callahan said she had heard that CPTED principles had either not been applied or had been overlooked. However, the Police Chief had just indicated that was not the case. In addition, she wished to note that there had been no misapplication of CPTED principles, and she had verified that by hiring a CPTED consultant. In fact, a 27-year veteran of the Police Department, and the founder of the Florida CPTED Network had reviewed this project – Mr. Stan Carter. Ms. Callahan reported that Mr. Carter had given this project "glowing" reviews.

Mayor Naugle was sorry to hear that Mr. Carter believed this project met CPTED principles because he thought it was clear that was not the case.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN TO DEVELOP AN APARTMENT COMPLEX, RETAIL AND PARKING GARAGE LOCATED AT THE NORTHWEST INTERSECTION OF S.E. $2^{\rm ND}$ STREET AND FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA IN AN RAC-CC ZONING DISTRICT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Moore. NAYS: Commissioner Katz and Mayor Naugle.

Reschedule December 4, 2001 City Commission Conference and Regular Meetings to December 11, 2001 (R-5)

A resolution was presented authorizing rescheduling of the Tuesday, December 4, 2001 City Commission Conference and Regular meetings to Tuesday, December 11, 2001.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE DECEMBER 4, 2001, REGULAR AND CONFERENCE MEETING OF THE CITY COMMISSION TO DECEMBER 11, 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Collective Bargaining Agreement – Florida State Lodge, <u>Fraternal Order of Police (FOPA) – General Employees</u> (R-6)
A resolution was presented authorizing the proper City officials to executive the collective bargaining agreement with FOPA to represent the City's general employees for a term of September 20, 2001 through September 30, 2003.
Commissioner Smith introduced a written resolution entitled:
RESOLUTION NO. 01-170
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., EFFECTIVE SEPTEMBER 20, 2001 THROUGH SEPTEMBER 30, 2003.
Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.
Shark-Feeding(OB)
A resolution was presented as a walk-on item urging the Florida Fish and Wildlife Commission to enact an administrative rule prohibiting the feeding of sharks and other marine life.
Commissioner Smith introduced a written resolution entitled:
RESOLUTION NO. 01-172
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE COMMISSION TO ENACT AN ADMINISTRATIVE RULE PROHIBITING THE FEEDING OF SHARKS AND OTHER MARINE LIFE.
Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.
Vacation of Drainage Easement(OB)
A resolution was presented vacating a drainage easement over and across the north 8' of Lot 24, Nurmi Isles Island No. 4.

RESOLUTION NO. 01-173

Commissioner Smith introduced a written resolution entitled:

A RESOLUTION VACATING A CERTAIN DRAINAGE EASEMENT OVER AND ACROSS THE NORTH 8 FEET OF LOT 24, NURMI ISLES ISLAND NO. 4.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Advisory Board Appointments	(OB)
The City Clerk announced the appointees/reappointees v	who were the subjects of this resolution:
Community Services Board	Harvey Meltzer R. Scott MacLeod John Hurley Joyce Shore Sanford Rosenthal Don Winsett Robert Notti James "Ted" Fling Dana Summers Jennie Brooks J.J. Hankerson Marsha Goldsby Audrey O'Brien Sam Mitchell
Marine Advisory Board	Bob Thornton
Parks, Recreation & Beaches Advisory Board	Scott Strawbridge Julie Cameron John Rude Al Massey John Melnicoff Charlotte Honea Elizabeth Hays Joe Shover Timothy Nast
Commissioner Smith introduced a written resolution entit	led:
RESOLUTION NO. 01	-174
A RESOLUTION OF THE CITY COMMISSIC LAUDERDALE, FLORIDA, APPOINTING BOAR IN THE EXHIBIT ATTACHED HERETO AND MA	D MEMBERS AS SET FORTH
Which resolution was read by title only. Roll call showed Katz, Smith, Moore, and Mayor Naugle. NAYS: none.	d: YEAS: Commissioners Hutchinson,
Broward County Safe Parks and Land Preservation B	Sond Program (OB)
A resolution was presented requesting the Board of Browcertain property located in the City of Fort Lauderdale of part of the Safe Parks and Land Preservation Bond Prog	n its list of properties to be acquired as

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY TO INCLUDE CERTAIN PROPERTY LOCATED IN THE CITY OF FORT LAUDERDALE ON ITS LIST OF PROPERTIES TO BE ACQUIRED AS PART OF THE SAFE PARKS AND LAND PRESERVATION BOND PROGRAM AND ACQUIRE SAID PROPERTY UTILIZING BOND FUNDS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

At 10:35 P.M., Mayor Naugle adjourned the meeting.

	Jim Naugle Mayor
EST:	
Lucy Masliah City Clerk	